

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**TENNESSEE GAS PIPELINE COMPANY**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:05CV101-P-B**

**LAND, WASHINGTON COUNTY, 6.52  
ACRES OF LAND, MORE OR LESS, IN  
WASHINGTON COUNTY, MISSISSIPPI;  
DELTA PINE LAND CO., L.P., A  
MISSOURI LIMITED PARTNERSHIP; AND  
ANY UNKNOWN OWNERS CLAIMING ANY  
RIGHTS, TITLE AND INTEREST, LEGAL OR  
EQUITABLE, IN AND TO SAID 6.52 ACRES OF  
LAND, MORE OR LESS**

**DEFENDANTS**

**ORDER**

This cause is before the Court on the plaintiff's Motion to Strike Delta Pine Land, L.P.'s Counterclaim [12]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is well-taken and should be granted. Federal Rule of Civil Procedures 71(A)(e) specifically limits responsive pleadings of a condemnation action to an answer. "No other pleading or motion asserting any additional defense or objection shall be allowed." F.R.C.P. 71(A)(e). Federal courts routinely interpret this provision as a prohibition of counterclaims or cross-claims. United States v. An Easement and Right-of-Way Over 4.4 Acres of Land, 1994 WI 1890931 (N.D. Miss. 1994) (citing cases).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion to Strike Delta Pine Land, L.P.'s Counterclaim [12] is well-taken and should be, and hereby is, GRANTED.

SO ORDERED, this the 27<sup>th</sup> day of January, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE